IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

REVIEW PETITION NO. 28 OF 2005
IN
APPEAL NO. 398 OF 2005
IN
ARBITRATION PETITION NO. 8 OF 2005

L & T Finance Ltd. ... Petitioner.

V/s.

K.G.Harish, Proprietor of
Harish Timbers & Cauvery Earth
Movers and others. ... Respondents.

Mrs.Shakuntala Joshi for the petitioner.

CORAM : V.C.DAGA AND J.P.DEVADHAR, JJ.

DATED : 4th October 2005.

P.C. :

. Heard learned counsel for the petition.

Perused review petition as well as appeal papers.

2. The learned counsel for the petitioner at the cost of repetition submitted that the contentions raised in the present review petition were raised before the Division Bench to which one of us (Devadhar, J.) is a party, however, the same has not been considered in the impugned order dated 27th June, 2005 passed in Appeal No.398 of 2005.

3. The contention of the petitioner is wholly misconceived. On perusal of the impugned order

dated 27th June, 2005 it is seen that the Division Bench did continue the Court Receiver appointed vide order dated 2nd May, 2005 for a period of two months with a direction to the appellant to approach the Arbitral Tribunal for appropriate interim relief and, if the respondent was not agreeable for consideration of the application for the interim relief, liberty was granted to the appellant to approach the learned single Judge for appropriate reliefs under section 9 of the Act of 1996. When the Court Receiver appointed vide order dated 2nd May, 2005 had been expressly continued for two months, it is not open to the review petitioner/appellant to contend that the plea of appointment of Court Receiver has not been considered in the order under review. After the expiry of the period of two months, during which the Court Receiver was continued, the appellant is moving this Court alleging that the appeal Court has not considered the plea regarding appointment of Court Receiver. In the above view of the matter, we do not see any case for review having been made out by the petitioner.

4. In the result, review petition is dismissed in limine with no order as to costs.

5. All the concerned to act on an authenticated copy of this order.

(J.P.DEVADHAR, J.) **(V.C.DAGA, J.)**